



CITY COUNCIL
ATLANTA, GEORGIA

01-0-0099

AN ORDINANCE

BY COUNCILMEMBER DEBI STARNES

AMENDING A SEWER EASEMENT AT 747 FORREST ROAD, N.E.
GRANTED TO THE CITY ON OCTOBER 29, 1970 BY CONCRETE
MANUFACTURING COMPANY; AND FOR OTHER PURPOSES.

WHEREAS, on October 29, 1970, Concrete Manufacturing Company granted a "Sewer Easement" at 747 Forrest Road, N.E. (now known as Ralph McGill Blvd.) to the City of Atlanta (the "1970 Easement"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, in March 1971, Concrete Manufacturing Company granted another sewer easement to the City of Atlanta at 745 and 747 Forrest Road, N.E., the location of which was depicted on a recorded plat dated February 8, 1971 (the "1971 Easement"), a copy of which easement is attached hereto as Exhibit B; and

WHEREAS, the 1970 Easement was vague and contained no legal description or plat depicting the location of the sewer; and

WHEREAS, the City of Atlanta has conducted a thorough review of its records and sewer maps to locate the sewer lines constructed on the property; and

WHEREAS, the City now wishes to amend the 1970 Easement to clarify the location.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1. The 1970 Easement, dated October 29, 1970 and recorded at Deed Book 5315, page 542 of the records of Fulton County, Georgia, by which Concrete Manufacturing Company granted to the City of Atlanta a sewer easement for 747 Forrest Road, N.E. (a copy of which is attached hereto as Exhibit A), is hereby amended to include the description attached hereto as Exhibit C.

Section 2. The Mayor, the Purchasing Agent, and the City Attorney or their designees are hereby authorized to prepare and execute any documents necessary to accomplish this transaction.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

MAR 19, 2001
MAR 27, 2001

EXHIBIT A

SEWER EASEMENT

2216558

STATE OF GEORGIA:

COUNTY OF Fulton

This indenture and conveyance made this 29th day of October, 1970
between Concrete Manufacturing Company
of Fulton County, Georgia, party of the first part and the City of Atlanta, a municipal corporation of the State of Georgia, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One (1.00) Dollar and other valuable considerations paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted and does convey to the said party of the second part, and its successors, an easement to maintain a sewer with the right of entry for the purpose of inspection, repair, or enlargement, through the property of the party of the first part in Land Lot 18 of the 14th District of Fulton County, Georgia, and lying on the Southeast side of Forrest Road, N.E.

being more particularly described as house number 747 according to the present system of numbering houses in the City of Atlanta, Georgia.

Sewer inspection, repair, or enlargement shall be done at the expense of the City of Atlanta and with as little inconvenience to the property owner or tenant as is consistent with reasonable progress, and the property shall be left in reasonably cleaned and good condition upon completion of the work, and the party of the first part waives for them self, their heirs and assigns, all right to any further compensation or claim for damages on account of the maintenance or enlargement of the sewer or the use of the property as herein agreed.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
(WITNESS)

CONCRETE MANUFACTURING COMPANY

By [Signature] (SEAL)
James C. Bailey, President

[Signature]
(NOTARY)

Notary Public
for Georgia



GEORGIA, Fulton County, Clerk's Office Superior Court

Filed & Recorded DEC 3 1970 at 11:38 A.

EXHIBIT B

2246229

SEWER EASEMENT

STATE OF GEORGIA:

COUNTY OF FULTON

This indenture and conveyance made this _____ day of March, 1971
between CONCRETE MANUFACTURING COMPANY, a Georgia corporation
of Fulton County, Georgia, party of the first part and the City of Atlanta, a municipal corporation of the State of Georgia, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One (1.00) Dollar and other valuable considerations paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted and does convey to the said party of the second part, and its successors, an easement of twelve (12) feet extending along the sewer line, to maintain a sewer with the right-of-way of entry for the purpose of inspection, repair, or enlargement, through the property of the party of the first part in Land Lot 18

of the 14th District of Fulton County, Georgia, and lying on the south side of Forrest Road, N.E., the location of said sewer being designated by a plat made by Prybylowski & Gravino, Inc., Engineers, dated February 8, 1971, a copy of said plat attached hereto and made a part hereof.

being more particularly described as house number 8745 & 1747 according to the present system of numbering houses in the City of Atlanta, Georgia.

Sewer inspection, repair, or enlargement shall be done at the expense of the City of Atlanta and with as little inconvenience to the property owner or tenant as is consistent with reasonable progress, and the property shall be left in reasonably cleaned and good condition upon completion of the work, and the party of the first part waives for its - self, its heirs and assigns, all right to any further compensation or claim for damages on account of the maintenance or enlargement of the sewer or the use of the property as herein agreed.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

GEORGIA, Fulton County, Clerk's Office Superior Court

Filed & Recorded JUN 30 1971 at 9:43 A.M. J. C. Sumner, Clerk

Signed, sealed and delivered in the presence of:

Wale L. Harrison
(WITNESS)

Mrs. H. L. Patrick
(NOTARY)

Notary Public, Georgia State at Large
My Commission Expires Nov. 29, 1971

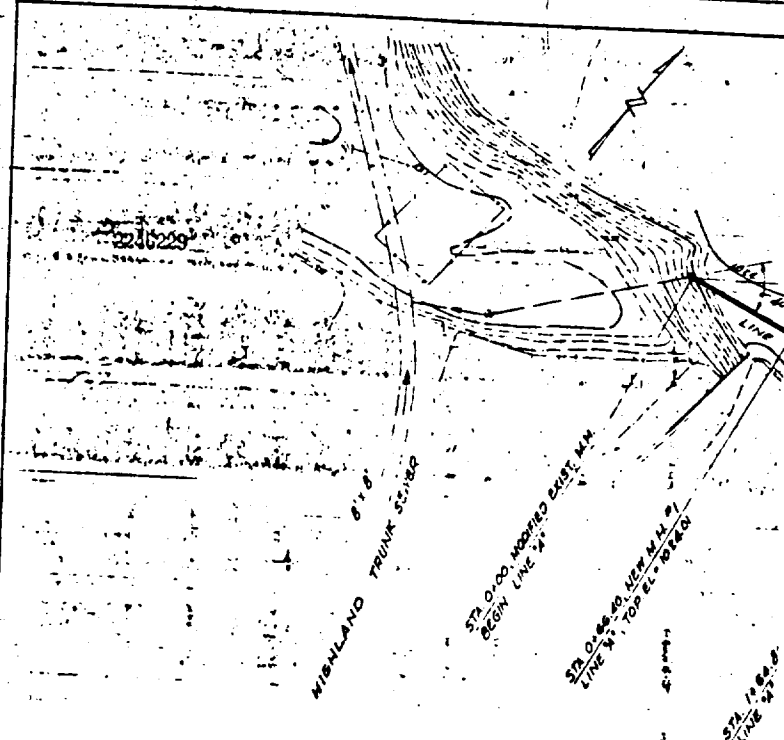
CONCRETE MANUFACTURING COMPANY

By James C. Birk (SEAL)
President

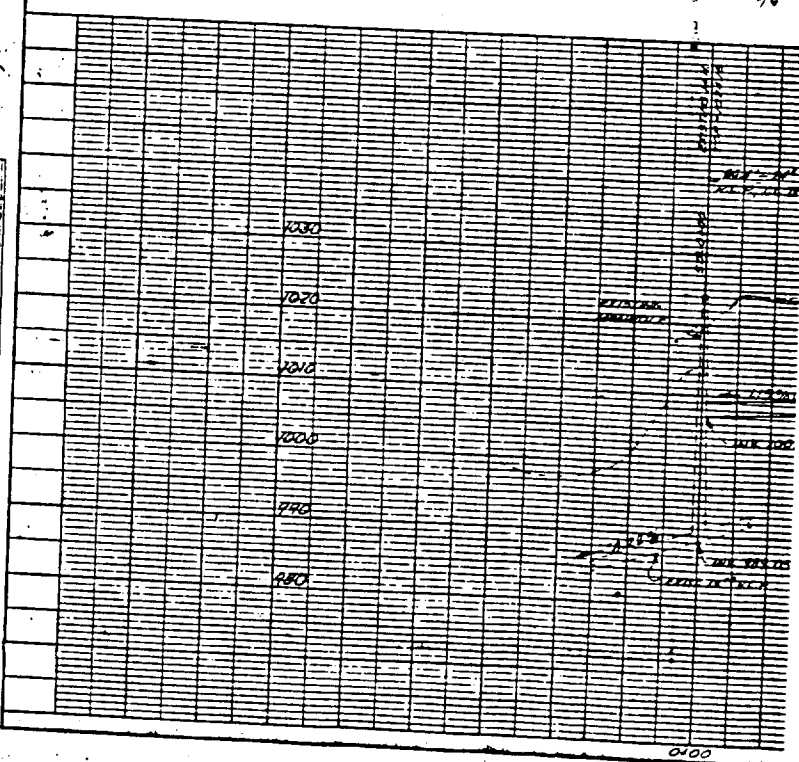
(SEAL)

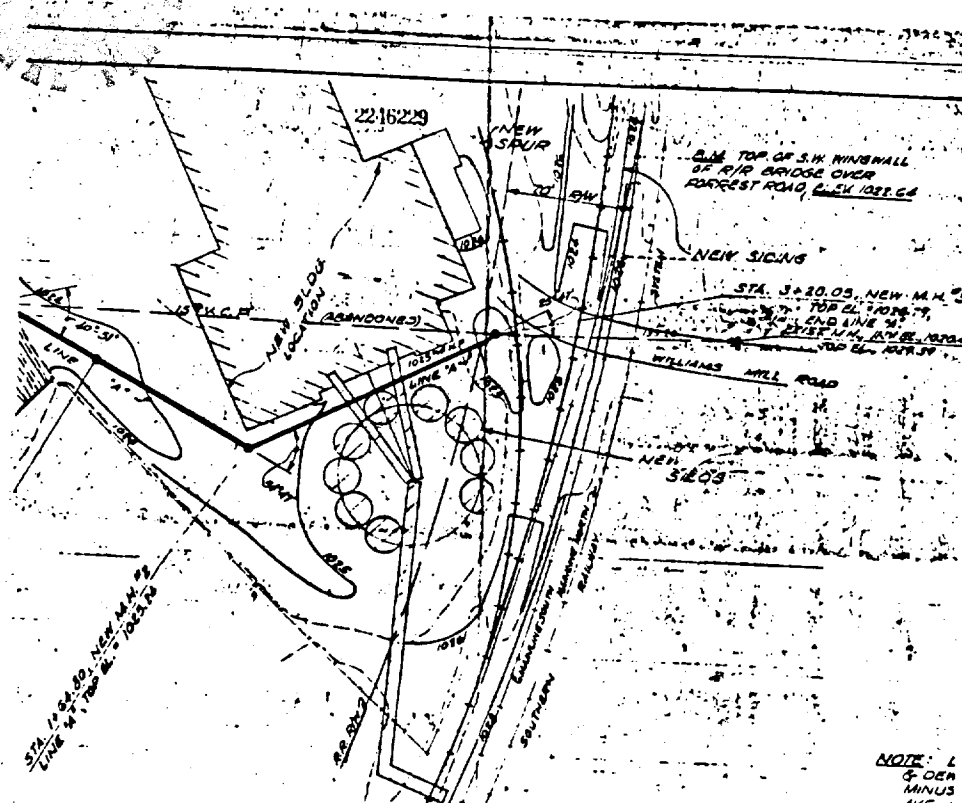


PLAN	
PROJECT	DATE
DESIGNED BY	CHECKED BY
APPROVED BY	IN CHARGE

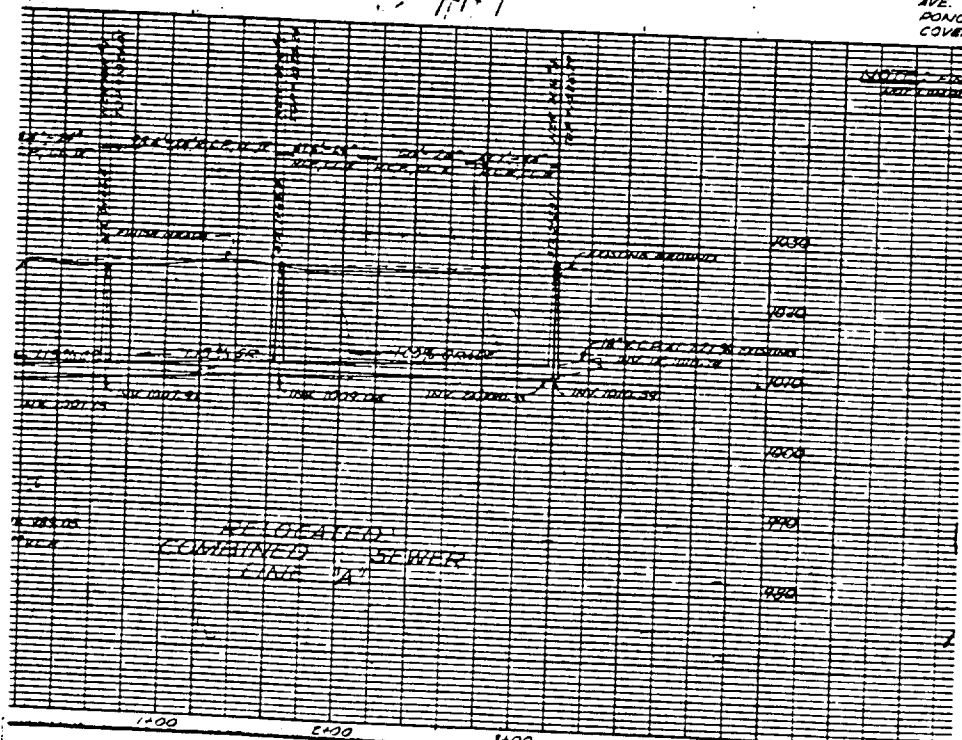


PROFILE	
PROJECT	DATE
DESIGNED BY	CHECKED BY
APPROVED BY	IN CHARGE





NOTE: 1
 Q DER
 MINUS
 AVE. 1
 DONG
 COVER



ALLOTTED
 COMBINED
 LINE 'A'

PLATE 1. PLAN PROFILE & P.O.C. SHOWN

22-16229

EX 5710

122

PROPOSED

122

108526

W. L. L. L.

SANITARY SEWER RELOCATION
WILLIAMS MILL ROAD
ATLANTA

PUBLIC WORKS DEPARTMENT
CITY OF ATLANTA
SANITATION DIVISION

DRAWN BY [unclear] DATE [unclear]
CHECKED BY [unclear] DATE [unclear]

AS BUILT PLAN AND PROFILE OF
RELOCATED COMBINED SEWER
NEW PUMP STATIONS,
CONCRETE PIPE COMPANY
ATLANTA GEORGIA.

PHYDELSON & CRAVENS, INC.
ENGINEERS
ATLANTA
DATE [unclear] DRAWN BY [unclear] CHECKED BY [unclear]
SCALE [unclear] SHEET [unclear]
TOTAL SHEETS [unclear]

SANITARY SEWER RELOCATION
WILLIAMS MILL RD., N.E.

RCS# 2725
3/19/01
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2726
3/19/01
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered-
#1*

Pages 1 thru 15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2753
3/19/01
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
#2

Pages 1 thru 15

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0067

01-O-0354

01-O-0188

Woolard & Morris voted Nay on the
following items:

01-R-0379

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

CONSENT

		03/19/01 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 01-O-0306	39. 01-R-0397	57. 01-R-0437
2. 01-O-0445	40. 01-R-0398	58. 01-R-0438
3. 01-O-0449	41. 01-R-0399	59. 01-R-0375
4. 01-O-0450	42. 01-R-0400	60. 01-R-0376
5. 01-O-0094	43. 01-R-0401	61. 01-R-0377
6. 01-O-0178	44. 01-R-0402	62. 01-R-0378
7. 01-O-0302	45. 01-R-0403	63. 01-R-0379
8. 01-O-0367	46. 01-R-0404	64. 01-R-0380
9. 00-O-1987	47. 01-R-0405	65. 01-R-0381
10. 01-O-0448	48. 01-R-0406	66. 01-R-0382
11. 00-O-2069	49. 01-R-0407	67. 01-R-0383
12. 01-O-0446	50. 01-R-0408	68. 01-R-0384
13. 01-O-0187	51. 01-R-0409	69. 01-R-0385
14. 01-O-0294	52. 01-R-0410	70. 01-R-0386
15. 01-R-0411	53. 01-R-0433	71. 01-R-0387
16. 01-R-0412	54. 01-R-0434	72. 01-R-0388
17. 01-R-0413	55. 01-R-0435	73. 01-R-0389
18. 01-R-0414	56. 01-R-0436	74. 01-R-0390
19. 01-R-0420		75. 01-R-0391
20. 01-R-0421		76. 01-R-0392
21. 01-R-0475		77. 01-R-0393
22. 01-R-0428		78. 01-R-0394
23. 01-R-0429		79. 01-R-0395
24. 01-R-0477		80. 01-R-0396
25. 01-R-0220		81. 01-R-0440
26. 01-R-0430		82. 01-R-0439
27. 01-R-0447		
28. 01-R-0452		
29. 01-R-0458		
30. 01-R-0417		
31. 01-R-0426		
32. 01-R-0427		
33. 00-R-1466		
34. 01-R-0416		
35. 01-R-0419		
36. 01-R-0424		
37. 01-R-0108		
38. 01-R-0189		

01-0-0099

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER DEBI STARNES

AMENDING A SEWER EASEMENT AT 747 FORREST ROAD, N.E. GRANTED TO THE CITY ON OCTOBER 29, 1970 BY CONCRETE MANUFACTURING COMPANY AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 19 2001

COUNCIL

AS Amended

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

1/16/01

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
MAR 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Randy A. Pate

CERTIFIED
MAR 19 2001
Randy A. Pate
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAR 22 2001
Mayor